

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Giansante	Team: Squad #5	CCRB Case #: 201907132	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/09/2019 6:46 PM	Location of Incident: § 87(2)(b)	Precinct: 94	18 Mo. SOL 2/9/2021	EO SOL 9/26/2021	
Date/Time CV Reported Mon, 08/12/2019 1:14 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/12/2019 1:14 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. LT Hong Chen	00000	934189	094 PCT
2. CPT William Glynn	00000	932718	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christophe Spizuco	04181	961321	094 PCT
2. POM Robinson Hernandez	12236	965184	094 PCT
3. POM Christian Kennedy	11345	964086	094 PCT
4. POM Michael Vera	22956	939651	094 PCT
5. SGT Igor Ubavin	4717	937851	094 PCT
6. POM Sebastian Escobar	11099	960503	094 PCT
7. POM Daniel Suaza	01287	962821	094 PCT
8. POF Andrea Haro	05898	951806	094 PCT
9. POM Md Ahammed	04231	951482	094 PCT
10. POM Jerard Seletski	24646	931201	094 PCT
11. POM Damian Poplawski	16501	964223	094 PCT
12. POM Andrew Lau	29282	965255	094 PCT
13. POM Peterjohn Santiago	21198	945307	094 PCT
14. POM Philip Kara	28693	957726	094 PCT

Officer(s)	Allegation	Investigator Recommendation
A.CPT William Glynn	Abuse: Captain William Glynn questioned § 87(2)(b)	§ 87(2)(b)
B.LT Hong Chen	Abuse: Lieutenant Hong Chen damaged § 87(2)(b) s property.	§ 87(2)(b)
C.CPT William Glynn	Abuse: Captain William Glynn stopped § 87(2)(b)	§ 87(2)(b)
D.LT Hong Chen	Force: Lieutenant Hong Chen used a chokehold against § 87(2)(b)	§ 87(2)(b)
E.CPT William Glynn	Abuse: Captain William Glynn frisked § 87(2)(b)	§ 87(2)(b)
F.CPT William Glynn	Abuse: Captain William Glynn searched § 87(2)(b)	§ 87(2)(b)
G.LT Hong Chen	Force: Lieutenant Hong Chen used physical force against § 87(2)(b)	§ 87(2)(b)
H.CPT William Glynn	Abuse: Captain William Glynn frisked § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
I.CPT William Glynn	Abuse: Captain William Glynn failed to provide § 87(2)(b) with a business card.	
J.LT Hong Chen	Abuse: Lieutenant Hong Chen failed to provide § 87(2)(b) with a business card.	

Case Summary

On August 12, 2019, § 87(2)(b) filed this complaint by phone with the CCRB.

On August 9, 2019, at approximately 6:46 p.m., on a pedestrian path in front of 60 Kingsland Avenue in the Cooper Park Houses NYCHA development in Brooklyn, Captain William Glynn of the 94th Precinct questioned § 87(2)(b) (**Allegation: Abuse of Authority, § 87(2)(g)**) and Lieutenant Hong Chen, also of the 94th Precinct, allegedly damaged § 87(2)(b)'s cellphone by knocking it from his hand (**Allegation B: Abuse of Authority, § 87(2)(g)**). Capt. Glynn stopped § 87(2)(b) (**Allegation C: Abuse of Authority, § 87(2)(g)**) and Lt. Chen allegedly placed § 87(2)(b) in a chokehold (**Allegation D: Force, § 87(2)(g)**). Capt. Glynn frisked § 87(2)(b)'s pants pocket (**Allegation E: Abuse of Authority, § 87(2)(g)**) and then searched the pocket (**Allegation F: Abuse of Authority, § 87(2)(g)**). Lt. Chen allegedly pushed his knee into § 87(2)(b)'s back and pulled back his arm to place him in handcuffs while standing up (**Allegation G: Force, § 87(2)(g)**). Capt. Glynn directed another officer to frisk § 87(2)(b) again (**Allegation H: Abuse of Authority, § 87(2)(g)**). Capt. Glynn and Lt. Chen eventually released § 87(2)(b) and failed to offer to provide him with their business cards (**Allegations I-J: Abuse of Authority, § 87(2)(g)**).

The investigation obtained BWC footage from Lt. Chen and 14 other officers who responded to the scene (BR01-17). Capt. Glynn was not equipped with a BWC at the time of the incident. § 87(2)(b) provided four cellphone videos capturing the incident which he obtained from witnesses (BR18-21). The investigation also obtained TARU pole camera footage (BR32-33) and NYCHA CCTV footage (BR34), neither of which captured the incident. All references to video evidence below refer to the time stamp in the video player, not the on-screen clock embedded in the video itself.

Capt. Glynn has since been promoted to Deputy Inspector and transferred to the 81st Precinct. He is referred to as Capt. Glynn throughout this report as that was the rank he held at the time of the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Captain William Glynn questioned § 87(2)(b)
Allegation (B) Abuse of Authority: Lieutenant Hong Chen damaged § 87(2)(b)'s property.
Allegation (C) Abuse of Authority: Captain William Glynn stopped § 87(2)(b)

It is undisputed that § 87(2)(b) exited a deli across the street from the NYCHA development and walked on a pedestrian path within the complex, at which point Capt. Glynn and Lt. Chen approached him. It is further undisputed that Capt. Glynn called out to § 87(2)(b) by name and asked him what was in his pocket, that § 87(2)(b) started to move away, and that Lt. Chen and Capt. Glynn physically apprehended him.

§ 87(2)(b) recounted in his CCRB interview that he was wearing sweatpants at the time of the incident, that the pants had left and right front pockets, and that he carried in his left pocket a single key which was on a metal hook and a long metal chain (BR22). § 87(2)(b) produced the key and keychain during his interview (photograph at BR29). § 87(2)(b) was carrying his phone in his right hand, and he had no other objects in his pockets. Capt. Glynn exited his vehicle nearby and asked § 87(2)(b) what was in his left pocket and if he had any weapons on him. § 87(2)(b) said, "No," and he told Capt. Glynn that there was nothing in his left pocket. He also asked if he could call his mother before anything happened because he did not feel safe around the officers. § 87(2)(b) was 25 years old at the time of the incident. Capt. Glynn told § 87(2)(b) to calm down and that he just wanted to see what was in his pockets. Lt. Chen then used his right hand to slap § 87(2)(b)'s phone out of his

hand, causing the phone to fall to the ground. § 87(2)(b) produced the phone at his CCRB interview and attributed the cracked screen to the incident (BR30). § 87(2)(b) attempted to move away from Lt. Chen, but Lt. Chen quickly took hold of him and prevented him from leaving.

In his CCRB interview, Capt. Glynn explained that his actions during the incident were based in part upon his prior knowledge of § 87(2)(b)'s criminal history (BR23). Capt. Glynn became the commanding officer of the 94th Precinct in November 2017, and at that time he became aware that § 87(2)(b)'s street name was "§ 87(2)(b)" and that he was involved in narcotics sales within the NYCHA development where he lived. On August 18, 2018, a man named § 87(2)(b) was killed in the vicinity of § 87(2)(b), which is the building within the NYCHA complex in which § 87(2)(b) resided. § 87(2)(b) and his brother, § 87(2)(b) were named as suspects in the killing. Capt. Glynn later became aware that individuals within the NYCHA complex wanted to shoot § 87(2)(b) around the time of New Year's Eve 2018, in retaliation for the killing of § 87(2)(b) Wood. On two occasions in July 2019, about a week or two apart, Capt. Glynn received information from two separate, credible sources indicating that § 87(2)(b) had taken to carrying a firearm out of fear that others would attack him in relation to the killing in 2017. § 87(2)(e), § 87(2)(f)

§ 87(2)(b) In addition, Capt. Glynn believed that § 87(2)(b) had been arrested for possession of a firearm in 2016. Capt. Glynn noted generally that there had been 12 shootings at the Cooper Park Houses between 2015 and the date of the incident.

At the time of the incident, Capt. Glynn was in a vehicle with Lt. Chen and saw § 87(2)(b) from a distance of no more than ten feet, walking near § 87(2)(b). Capt. Glynn saw a bulge in § 87(2)(b)'s left front pants pocket. Capt. Glynn believed the bulge was created by a heavy object, and it had the outline of a small firearm, such as a two-shot "derringer." Capt. Glynn noted in his interview that he had participated in dozens of firearms arrests, including some which involved very small firearms. Capt. Glynn mentioned in his interview that he thought he saw § 87(2)(b) "cradle" the object in his pocket once or twice, but he explained that he could not recall with certainty. Shortly after Capt. Glynn spotted him, § 87(2)(b) changed direction, stopped, and then passed behind Capt. Glynn's vehicle as he walked toward the NYCHA development. Capt. Glynn believed that § 87(2)(b) had suddenly stopped and changed direction because he had seen Capt. Glynn and Lt. Chen, and this increased Capt. Glynn's suspicion of him. During his CCRB interview, Capt. Glynn explained that he had a "Level 2" suspicion of § 87(2)(b) at that point. Capt. Glynn was sure that he communicated his observation of the possible firearm to Lt. Chen, though he could not recall exactly how he did so.

Capt. Glynn confirmed that he approached § 87(2)(b) referred to him by name, and asked him what was in his left pocket. Capt. Glynn did not think that he asked § 87(2)(b) specifically if he had a weapon in his pocket. Capt. Glynn could not recall whether § 87(2)(b) specifically had any response to his question, although Capt. Glynn noted that § 87(2)(b) responded in a loud voice, cursed, said that he should not be stopped, and moved his arms outward and forward in front of him. Capt. Glynn again asked, § 87(2)(b) "what's in your left pocket?" § 87(2)(b) then attempted to run away in the direction from which Lt. Chen was approaching, which raised Capt. Glynn's level of suspicion to a "Level 3." Lt. Chen and Capt. Glynn then grabbed § 87(2)(b) within seconds of each other. Capt. Glynn could not recall during his CCRB interview what communication, if any, he had with Lt. Chen regarding whether and how § 87(2)(b) should be stopped, but Capt. Glynn affirmed that he was responsible for stopping § 87(2)(b) because he was Lt. Chen's supervisor.

Lt. Chen provided testimony which shed greater light on the "sources" which Capt. Glynn cited as having suggested that § 87(2)(b) was carrying a firearm (BR24). Lt. Chen explained that § 87(2)(b)'s "DAS" database record had two intelligence reports stating that § 87(2)(b) might be carrying a firearm. § 87(2)(b), § 87(2)(e), § 87(2)(f)

§ 87(2)(e), § 87(2)(f)

As the commanding officer, Capt. Glynn would regularly receive emails from field intelligence officers regarding information obtained during debriefings. Lt. Chen became aware of the first intelligence report suggesting that § 87(2)(b) might be carrying a firearm about 2-3 weeks before the incident; he believed that a field intelligence officer relayed the information to him. Lt. Chen believed that Capt. Glynn made him aware of the second intelligence report on the date of the incident. § 87(2)(e), § 87(2)(f)

§ 87(2)(g)

Capt. Glynn called him to his office at the 94th Precinct stationhouse and told him that he had just watched § 87(2)(b) inside the deli through a live-feed video stream on his iPad which was linked to the deli's surveillance system with the permission of the business owner. Capt. Glynn told Lt. Chen that he saw that § 87(2)(b) had a suspicious bulge in his pants pocket, which § 87(2)(b) kept adjusting, and which Capt. Glynn believed to be a firearm. Capt. Glynn directed Lt. Chen to accompany him and they left the stationhouse to drive to the deli. Lt. Chen did not see the live feed which Capt. Glynn referenced.

Lt. Chen recounted that Capt. Glynn saw § 87(2)(b) crossing the street approximately five feet in front of the officers' vehicle. Capt. Glynn parked and the officers exited. The incident progressed so quickly that Lt. Chen was not able to observe § 87(2)(b)'s pocket before that point, and he could not recall if § 87(2)(b) changed direction upon seeing the officers. Lt. Chen and Capt. Glynn did not approach together—Capt. Glynn walked directly up to a low fence separating him from § 87(2)(b) while Lt. Chen went around the fence to approach § 87(2)(b) from a different direction. As a result, Lt. Chen did not hear what Capt. Glynn and § 87(2)(b) said to each other, and he could not say whether Capt. Glynn asked § 87(2)(b) what was in his pocket or whether he had a weapon. Lt. Chen saw that § 87(2)(b) held a cellphone in his hand. Both Lt. Chen and Capt. Glynn took hold of § 87(2)(b) to prevent him from fleeing the scene. Lt. Chen grabbed § 87(2)(b)'s right arm with both hands. Lt. Chen could not recall if he grabbed § 87(2)(b)'s phone or if the phone ever fell to the ground, and he did not recall slapping the phone from § 87(2)(b)'s hand.

Capt. Glynn did not recall if § 87(2)(b) was carrying a phone, but he denied seeing Lt. Chen slap it to the ground from § 87(2)(b)'s hand.

Capt. Glynn made no mention in his testimony of seeing § 87(2)(b) while viewing a video-feed from the deli, and he was not questioned about it because he was interviewed prior to Lt. Chen.

Lt. Chen prepared a Stop Report for the incident, § 87(2)(g)

It states that they suspected that a heavy bulge in § 87(2)(b)'s pocket was a firearm, and that they had recently received information from two separate sources that § 87(2)(b) had been observed in possession of a firearm.

Lt. Chen's BWC footage confirmed his account of how quickly the incident developed; Capt. Glynn approached § 87(2)(b) within 15 seconds of exiting the vehicle (BR01). The footage also shows that Capt. Glynn was referring to § 87(2)(b) by his first name and telling him to calm down from the outset. At 00:47, Capt. Glynn asks § 87(2)(b) what he has in his left pocket. § 87(2)(b) responds that he does not have anything on him. He holds a phone in his left hand. At 00:52, § 87(2)(b) appears to attempt to move away quickly. Lt. Chen's camera is very close to § 87(2)(b) at this time, so the exact nature of the physical contact between § 87(2)(b) and the officers is unclear. Lt. Chen appears to be holding § 87(2)(b)'s right arm as Capt. Glynn climbs over the fence. At 01:08, Lt. Chen's BWC falls to the ground, and Capt. Glynn and Lt. Chen can be seen holding onto § 87(2)(b)'s arms. By this time, there is no phone in § 87(2)(b)'s right hand. His left hand is not visible, as Capt. Glynn is

pulling it behind his back. At no point does the footage show Lt. Chen taking away § 87(2)(b)'s phone or slapping it out of his hand.

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Patrol Guide Procedure 212-11 defines a “Level 2 Encounter” (referenced by Capt. Glynn in his testimony) or a “Common Law Right of Inquiry” as an encounter between a civilian and an officer conducted for the purpose of asking the civilian pointed or accusatory questions because the officer has a “founded suspicion” that criminal activity is afoot. Founded suspicion arises when there is some present indication of criminality based on observable conduct or reliable hearsay information. During such an encounter, the officer may approach a person to ask accusatory questions, but the person is free to refuse to answer and to leave. The level of suspicion increases to “Level 3” or “reasonable suspicion” if the person attempts to run away, and officers are then permitted to pursue the person and stop them. Reasonable suspicion exists when the information known to an officer, and the surrounding circumstances, would lead an officer of ordinary prudence and caution to conclude that a crime has been, is being, or is about to be committed. The officer must have a particularized and objective basis for suspecting the person stopped of the criminal conduct, and he must be able to articulate specific facts establishing justification for the stop (BR25).

§ 87(2)(b), § 87(2)(g)

[REDACTED]

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Allegation (D) Force: Lieutenant Hong Chen used a chokehold against § 87(2)(b)

Allegation (E) Abuse of Authority: Captain William Glynn frisked § 87(2)(b)

Allegation (F) Abuse of Authority: Captain William Glynn searched § 87(2)(b)

Allegation (G) Force: Lieutenant Hong Chen used physical force against § 87(2)(b)

It is undisputed that Lt. Chen grabbed § 87(2)(b) and struggled with him in order to pull his arms behind his back and handcuff him. § 87(2)(b), § 87(2)(g)

It is also undisputed that Capt. Glynn frisked § 87(2)(b)'s pocket and then searched it.

In his in-person statement, and in a later phone statement (BR26), § 87(2)(b) recounted that as he attempted to flee, Lt. Chen took hold of his neck with the crook of his elbow, which prevented § 87(2)(b) from leaving. § 87(2)(b) stood close to the fence at the time he tried to get away, but Lt. Chen's grasp of his neck caused § 87(2)(b) to stumble back the short distance to the fence. Lt. Chen's grasp of § 87(2)(b)'s neck did not restrict § 87(2)(b)'s breathing. Lt. Chen placed § 87(2)(b)'s left arm in a handcuff. § 87(2)(b) did not give Lt. Chen his right arm because he did not know what was going on and instead held onto the fence with his right hand. For approximately three minutes, Lt. Chen swung around § 87(2)(b) from the grasp he had on § 87(2)(b)'s neck with the crook of his elbow. In response, § 87(2)(b) moved his shoulders and the rest of his body back and forth. While § 87(2)(b) continued to move his body, Capt. Glynn crossed over the fence, put his hand into § 87(2)(b)'s left pocket, and removed the key and key chain. Lt. Chen then released his grasp of § 87(2)(b)'s neck. Lt. Chen grabbed § 87(2)(b)'s right arm and attempted to pull it behind his back for approximately seven minutes. § 87(2)(b) pulled his right arm forward in response. At one point, Lt. Chen struck the lower-right part of § 87(2)(b)'s back with his knee while § 87(2)(b) leaned forward against the fence. § 87(2)(b) did not see that Lt. Chen specifically struck him with his knee. At another point, Lt. Chen leaned his knee into § 87(2)(b)'s back while § 87(2)(b) was still standing. After approximately seven minutes, Lt. Chen pulled on § 87(2)(b)'s right shoulder so hard that § 87(2)(b) gave up and allowed Lt. Chen to handcuff him. § 87(2)(b) went to § 87(2)(b) Hospital after the incident and obtained ibuprofen for his pain.

§ 87(2)(b)'s hospital records show that he chiefly complained of "backache" after officers twisted his arm and put a knee on his back (see Privileged Documents). An examination found two linear bruising marks on his right shoulder, right shoulder strain, and tenderness to his left lower back.

A large crowd gathered during the incident, but § 87(2)(b) only had contact information for one individual in the crowd, § 87(2)(b). Despite extensive efforts, the CCRB was unable to establish contact with § 87(2)(b).

Lt. Chen recounted that when § 87(2)(b) attempted to flee, he took hold of § 87(2)(b)'s right arm with both his hands to prevent him from getting away. Lt. Chen denied grasping § 87(2)(b)'s neck with the crook of his elbow, and he did not recall anyone making contact with § 87(2)(b)'s neck. Lt. Chen also denied swinging around § 87(2)(b)'s entire body in the manner alleged by § 87(2)(b). Lt. Chen attempted to move § 87(2)(b)'s right arm behind his back and told § 87(2)(b) to stop resisting, but he did not comply. Lt. Chen denied placing a knee on § 87(2)(b)'s back. Lt. Chen did not see where on § 87(2)(b)'s body Capt. Glynn made contact with him. After a few minutes, the officers placed § 87(2)(b) in handcuffs.

Capt. Glynn's § 87(2)(b), § 87(2)(g)

He similarly recounted that he held onto § 87(2)(b)'s left arm while Lt. Chen held onto his right arm, and that they both struggled to pull § 87(2)(b)'s arms behind his back because of his physical resistance. Capt. Glynn denied seeing Lt. Chen wrap his arm around § 87(2)(b)'s neck and hold him in that manner as alleged. Directly after the officers placed § 87(2)(b) in handcuffs, Capt. Glynn patted the outside of § 87(2)(b)'s left pocket to determine whether the object inside was a

weapon. Capt. Glynn felt the object inside the pocket, but he could not tell what it was and still believed that it was possibly a firearm. As a result, Capt. Glynn then reached into the pocket and removed the object.

Lt. Chen's first BWC clip captured this portion of the incident (BR01g). The physical struggle begins at approximately 00:53, when Lt. Chen first appears to grab § 87(2)(b). The footage is chaotic and at times unclear because Lt. Chen is so close to § 87(2)(b). However, it is clear that initially Lt. Chen grabbed § 87(2)(b)'s right arm—Lt. Chen's left hand can be seen holding onto § 87(2)(b)'s right bicep, while his right hand is holding § 87(2)(b)'s right wrist. In this manner, Lt. Chen attempted to bend § 87(2)(b)'s arm behind his body. The footage does not support § 87(2)(b)'s claim that Lt. Chen immediately wrapped his neck into the crook of his elbow. At 01:10, Lt. Chen's BWC falls to the ground and from there provides a clearer view of the struggle. § 87(2)(b) is bent over the low fence as Lt. Chen grapples with his right arm and Capt. Glynn grapples with his left arm. § 87(2)(b)'s head and neck occasionally move out of view as he resists the officers and yells, but it is clear that at no point does Lt. Chen put his arm around § 87(2)(b)'s neck. The footage does not show clearly whether Lt. Chen put his knee into § 87(2)(b)'s back. At 01:49, Capt. Glynn frisks § 87(2)(b)'s upper-left leg. Capt. Glynn then enters § 87(2)(b)'s left pants pocket and removes the key. § 87(2)(b) exclaims that it is just a key, and Capt. Glynn replies, "That's all you had to say." Capt. Glynn puts the key back into § 87(2)(b)'s pocket.

At no point during any of the video footage obtained by the investigation can Lt. Chen be seen grasping § 87(2)(b) by the neck in any capacity, nor can he be seen placing a knee on § 87(2)(b)'s back.

§ 87(2)(b), § 87(2)(g)

Patrol Guide Procedure 212-11 states that officers may use "reasonable force" to stop a civilian during a "Level 3" encounter. Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to place a person in custody (BR35). Any use of force must be reasonable under the circumstances. Patrol Guide Procedure 221-02 states that officers must "apply no more than the reasonable force necessary to gain control" in police incidents (BR27).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Patrol Guide Procedure 212-11 states that an officer is permitted to frisk a civilian when the officer has reasonable suspicion that the person possesses a weapon. A search occurs when the officer places his hand inside a pocket to remove an object that the officer felt during a frisk and reasonably suspects

is a weapon. When a frisk reveals an object that an officer reasonably suspects may be a weapon, the officer search only those interior portions of the civilian's clothing to remove the weapon.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (H) Abuse of Authority: Captain William Glynn frisked § 87(2)(b)

It is undisputed that Police Officer Andrea Haro of the 94th Precinct frisked § 87(2)(b) at the instruction of Capt. Glynn.

§ 87(2)(b) recounted that numerous officers arrived on scene once he was handcuffed, and Capt. Glynn instructed PO Haro to perform an “outside frisk” of § 87(2)(b). PO Haro patted down the front, back, and sides of § 87(2)(b)'s legs.

PO Haro's frisk of § 87(2)(b) is captured in PO Hernandez's BWC footage (BR04, beginning at 01:05), PO Kennedy's BWC footage (BR05, beginning at 01:10), and in the beginning of the second cellphone clip provided by § 87(2)(b) (BR19). Capt. Glynn told her to perform an “outer frisk” on § 87(2)(b).

At his CCRB interview, Capt. Glynn initially could not recall instructing another officer to pat down § 87(2)(b) and did not recall anyone performing an additional frisk after he frisked and searched § 87(2)(b)'s pocket. Viewing the BWC footage refreshed Capt. Glynn's recollection that the second frisk took place, but he still could not recall why he told PO Haro to frisk § 87(2)(b). Capt. Glynn specified that an “outer frisk” is simply an open palmed pat down of someone's clothing, and he affirmed that PO Haro's frisk of § 87(2)(b) in the video footage was consistent with his direction to her.

As previously noted, Capt. Glynn originally approached § 87(2)(b) based upon his knowledge of § 87(2)(b)'s potential propensity for carrying a firearm, and upon his observation of a bulge in § 87(2)(b)'s pocket which he suspected was a small firearm. By the time Capt. Glynn instructed PO Haro to frisk § 87(2)(b) he had already searched § 87(2)(b)'s pocket and determined that it did not contain a firearm. Capt. Glynn provided no additional explanation or justification for why it was necessary that § 87(2)(b) be frisked again.

Patrol Guide Procedure 212-11 states that an officer is permitted to frisk a civilian when the officer has reasonable suspicion that the person possesses a weapon, or when the officer has reasonable suspicion that the person has committed, is committing, or is about to commit a violent crime.

§ 87(2)(b), § 87(2)(g)

Allegation (I) Abuse of Authority: Captain William Glynn failed to provide § 87(2)(b) with a business card.

Allegation (J) Abuse of Authority: Lieutenant Hong Chen failed to provide § 87(2)(b) with a business card.

It is undisputed that the officers did not arrest or summons § 87(2)(b) and that neither Capt. Glynn nor Lt. Chen offered to provide a business card to § 87(2)(b).

At the time of his interview, § 87(2)(b) provided Capt. Glynn and Lt. Chen's names, which he learned from looking at their nameplates during the incident.

Capt. Glynn recounted that after they released him from handcuffs, § 87(2)(b) yelled at the officers and told them that he was going to sue them. A woman who identified herself as § 87(2)(b)'s mother spoke to Capt. Glynn, but she did not seem to be receptive to what he said as he told her that he had stopped § 87(2)(b) because he believed that he had a gun. Capt. Glynn noted that he would typically give a civilian a business card in this type of situation. However, there were a number of reasons that he chose not to offer a business card to § 87(2)(b): his business cards were in his vehicle and he did not want to be on scene longer than necessary because emotions were high; he had already verbally provided § 87(2)(b) and his mother with his name; he believed § 87(2)(b) had already photographed his nameplate and shield; § 87(2)(b) may have already known who he was; he was the commanding officer of the 94th Precinct and therefore his identity could be easily ascertained on the internet.

Lt. Chen explained that he did not offer § 87(2)(b) a business card because § 87(2)(b) had been uncooperative and had physically resisted his apprehension, and Lt. Chen did not think it was a good idea to "provoke something else." Lt. Chen further recounted that the situation "was done already" and noted that § 87(2)(b) had already photographed the officers.

In the Stop Report, Lt. Chen noted that a business card was not offered because § 87(2)(b) "was highly uncooperative and very aggressive at the scene during the time of the stop."

While Capt. Glynn and Lt. Chen referenced the tense nature of the encounter and that the gathered civilians yelled and were unhappy with their explanations, neither officer recounted that he believed he or anyone else was in danger of physical injury.

New York City Administrative Code §14-174 stipulates that an officer must offer a business card to the subject of law enforcement activity at the conclusion of any law enforcement activity which results in frisks and searches of individuals but that does not result in a summons or arrest. The business cards, at minimum, must include the officer's name, rank, shield number, a space to write in the officer's command, a phone number for the 311 customer service center, and an indication that such phone number may be used to submit comments about the encounter. An officer is not required to offer a business card if exigent circumstances require immediate action by such officer, if he reasonably expects that he or any other person is in danger of physical injury or that there is an imminent risk of damage to property, or to forestall the imminent escape of a suspect or imminent potential destruction of evidence (BR28).

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one CCRB complaint and has been named as a victim in two allegations (BR36):
 - § 87(2)(b)
- Capt. Glynn has been a member of service for 17 years and has been a subject in 16 CCRB complaints and 39 allegations, of which three were substantiated:
 - #200605789 involved a substantiated allegation of a strip search against Capt. Glynn. The Board recommended Charges and the NYPD imposed Command Discipline A.
 - #200712972 involved a substantiated allegation of a frisk against Capt. Glynn. The Board recommended Command Discipline and the NYPD took no disciplinary action.
 - #201103519 involved a substantiated allegation of physical force against Capt. Glynn. The Board recommended Command Discipline and the NYPD imposed Command Discipline B.
- Lt. Chen has been a member of service for 16 years and has been a subject in one CCRB complaint and one allegation, which was not substantiated.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming personal, emotional, and physical injuries, as well as an unlawful seizure, unlawful detention, false arrest and imprisonment, and malicious prosecution, and seeking \$1,000,000 in redress (BR38). It is unclear to what arrest and prosecution the Notice of Claim referred, as it did not specify any additional incident date, § 87(2)(b) was not arrested in this incident, and § 87(2)(b)'s criminal history reflects no prosecution aside from that stemming from an arrest in 2014.
- According to the Office of Court Administration (OCA), between July 25, 1994, and October 29, 2020, § 87(2)(b) has been convicted of disorderly conduct, § 87(2)(b) (BR37).

Squad No.: 5

Investigator: _____
Signature Print Title & Name Date

Squad Leader: Daniel Giansante IM Daniel Giansante October 29, 2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date